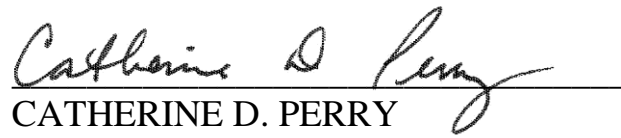


178, 182 (1962) (denial of leave to amend is appropriate in limited circumstances, including where amendment would be futile); *Hillesheim v. Myron's Cards & Gifts, Inc.*, 897 F.3d 953, 955 (8th Cir. 2018) (same). Rather, in the circumstances of this case, I consider it best that the claims be tested on their merits through proper motion and briefing by the parties, if appropriate, instead of upon my *sua sponte* review.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Leave to File Second Amended Complaint [31] is **GRANTED**. Plaintiff shall effect service of process or waiver of service upon the newly added defendants in accordance with the Federal Rules of Civil Procedure. Defendants Angela Messmer and Allen Thomas shall answer or otherwise respond to the Second Amended Complaint within the time required by the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that defendants Angela Messmer and Allen Thomas's Motion to Dismiss Plaintiff's First Amended Complaint [28] is **DENIED as moot**.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 27th day of December, 2024.